

REMARKS

In the Office Action of April 2, 2003, the Examiner rejected claims 1-9 under 35 U.S.C. § 103 as unpatentable over Gerber. In the "response to arguments" portion of that action, the Examiner stated that closed sleeve 86 has an interior diameter which is significantly greater than the diameter of the spiral saw..., apparently arguing that sleeve 86 was therefore comparable to applicant's claimed "rigid attachment portion." However, in applicant's claim 1, the attachment portion includes a forward edge which contacts the surface of the workpiece and has an interior diameter which is significantly greater than the diameter of the spiral saw. Element 86 in Gerber forms a partial vacuum chamber with foot 82. Element 86 does not contact the surface of the workpiece. Hence, element 86 does not meet the limitations of the attachment portion set forth in claim 1.

The hardened stripping plate 84 which is mounted on foot 82 has a close-fitting relationship with the cutting edges of the wheel 86 which cuts the workpiece. While the bottom of the pressure foot, and hence presumably stripping plate 84, does rest on the material, the stripping plate 84 is in a close-fitting relationship with the wheel, such that the material is pulled upwardly through the foot 82 by the action of the helical edges of the saw into the vacuum chamber formed by a sleeve 86.

In applicant's claims, the forward attachment portion has an interior diameter which is substantially greater than the saw, and is not in a close-fitting relationship with the saw. It is incapable of shearing material from the workpiece. The arrangement of the Gerber reference is for cutting into a material and then shearing the shredded material away from the cutting tool. The shearing action in Gerber requires a closely fitting relationship between the saw and the stripping plate. In applicant's invention, the diameter of the attachment portion is substantially greater than the diameter of the saw, so that large amounts of dust generated by the spiral saw can be quickly collected. The claimed attachment portion is incapable of performing a shearing action of material from the workpiece relative to the saw. The Gerber arrangement, on the other hand, is incapable of collecting large amounts of dust, as the space between the stripping plate 84 and the cutting wheel 46 is far too small. Such an arrangement would be inoperable in

applicant's article, which requires the capability of a large open space between the saw and the edge of the attachment portion, so that dust can freely move into and be carried away from the workpiece. Claim 1 is thus patentable over Gerber.

Note also new claim 10, which states that the diameter of the attachment portion is several times greater than the diameter of the saw. The "close-fitting" relationship of the Gerber plate 84 and wheel 46 does not meet such a limitation.

Hence, applicant's invention has a substantially different structure and a substantially different function/operation than Gerber. Allowance of applicant's claim 1 and the application is respectfully requested.

Please note that applicant's attorney has attempted to contact the examiner numerous times and has left messages, but none of those calls have been returned.

Respectfully submitted,
JENSEN & PUNTIGAM, P.S.

By Clark A. Puntigam
Clark A. Puntigam, #25,763
Attorney for Applicant

CAP:gh
206 448-3200
E-mail: clark@jensenpuntigam.com

Note?
doesn't
pay
which
\$